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ABSTRACT

This handbook for parents explains how Wisconsin schools must go about finding, evaluating, developing programs for, and placing children with exceptional educational needs (EEN). The first section covers identification of EEN children, including Child Find, screening, and referral. The next sections look at evaluation of children by a multidisciplinary team, requirements of the Individualized Education Program, the placement process, and the hearing and appeal process. Procedures for filing complaints with the Office for Civil Rights, based on the Individuals with Disabilities Education Act, and with the school district, based on Wisconsin law, are specified. Specific rights of parents and children are then outlined. These include the right to receive written notice, provision of written consent, evaluation processes, the right to independent educational evaluation, design of the Individualized Education Program, placement of the child in the least restrictive environment, access rights to education records, confidentiality, appointment of a surrogate parent, conflict resolution procedures, the right to file a complaint with the Department of Public Instruction, and due process hearings. A listing of organizations for parents of children with EEN in Wisconsin (42 private agencies and 7 state agencies) is provided as is a glossary of 55 relevant terms. (DB)

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The EEN Triangle of Support

A Guide for Parents

REVISED EDITION

EC305370

Wisconsin Department of Public Instruction

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An EEN Triangle of Support
A Guide for Parents

Learning Support: Equity and Advocacy

Wisconsin Department of Public Instruction
John T. Benson, State Superintendent
Madison, Wisconsin

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This parent handbook was originally developed by the Wisconsin Department of Public Instruction in cooperation with the State Superintendent's Council on Exceptional Education. The handbook explains special education processes and procedures and the role and rights the parent has during the process of identification, evaluation, and placement of exceptional educational needs children. It has been revised to be current with revised state requirements.

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Introduction

Each student who enters a public school or public agency has the right to expect to be treated like any other child who enters school. Society is all aware that some children have special problems and needs which require a different educational program than most children receive.

State (Subchapter V, Chapter 115, Wis. Stats.) and federal (Individuals with Disabilities Education Act) laws require that schools identify these children and provide them with special education. In Wisconsin, children who need special education are said to have exceptional educational needs (EEN). Special education is defined as specially designed instruction, provided at no cost to a child or a child's parents, to meet the unique needs of a child with a disability, including classroom instruction, instruction in physical education, and instruction at home and in hospitals and institutions.

Students with disabilities may be served by public school districts and other political subdivisions of the state that have responsibility for the education of children with disabilities such as correctional facilities, care and treatment facilities, and programs operated by county departments under Chapters 46 and 51. References throughout this document to school districts also include these public agencies.

This booklet explains how a school must go about finding, evaluating, developing a program for, and placing these children in an educational program. It also describes actions that parents or schools can take if there are disagreements between them. And finally, it explains certain rights parents and schools have when this is being done.

For a copy of the state and federal education laws and rules relating to children with disabilities, write to:

Exceptional Education Team
Division for Learning Support: Equity and Advocacy
Department of Public Instruction
P.O. Box 7841
Madison, Wisconsin 53707-7841

How are Children with Possible EEN Identified?

An important task for the school district is to identify those children who may have an EEN and who may require special education. The law requires that this be done through child find, screening, and referral procedures.

Child Find

Each school is required to carry out child find activities. The school must actively seek out all children who may have a disability. Schools do this by coordinating with other agencies in the community, publishing articles in the newspapers, distributing bulletins and pamphlets, reviewing the school census, and having a fixed point of contact for parents who think their child may have an EEN. Each school principal should be able to tell parents who to call if they suspect their child has a disability that requires special education.

In Wisconsin, school districts are required to do child find activities for children from birth to age 21. If a child in this age range is referred to the district, it must do or arrange for an evaluation. While districts are required to provide special education to children from age three through the school term in which they turn age 21 or until they graduate from high school, schools will help parents contact the county early intervention program or find other services for children under the age of three.

Screening

The state special education law requires that schools continue the effort to identify children who may be disabled by screening all children who are residents of the school district and who have not graduated from high school. The screening that is familiar to many parents is the one done for children below kindergarten age. The law also requires other screening procedures, including procedures for those children who move from one district to another.

Parental permission is not required to have a child undergo a screening process. Parents may, however, refuse to allow their children to take part. Schools cannot require that a child go through a formal screening process as a prerequisite to starting school.

In addition to this formal screening process, schools must ensure that informal, ongoing screening also takes place. This is usually in the form of observations and testing programs carried out by classroom teachers and other personnel in the school during the school year.

The earlier a child with a disability can be identified and served, the better the chances that the child's future can be improved. A school district must provide, on request, screening opportunities to children who are below school-entry age.

Anyone who suspects a child may have a disability but is unsure of who to talk to locally may call:

The Wisconsin Department of Public Instruction
Division for Learning Support: Equity and Advocacy
Monday - Friday, 7:45 a.m. to 4:30 p.m.
(608) 266-1781 (voice)
or
(608) 267-2427 (Telecommunications Device for the Deaf—TDD)

Referral

State law requires that a referral process be part of the identification process. The law requires that any licensed personnel working in the public school refer a child if they suspect or have a reason to believe that the child has an exceptional educational need. For example, a physician, nurse, teacher at a state or county residential facility, psychologist, social worker, or administrator of a social agency who has reason to believe that a child has an exceptional educational need must report the child to the school. The parents must be notified before a referral is made. Agencies and personnel referring children under the age of 3 are advised to make the referral at least 90 days before the child's third birthday to ensure that services are available when the child turns 3. Children from birth to age 3 may be referred to the county Birth to 3 program for an evaluation or may be evaluated by the school district.

Parents cannot stop someone, such as a teacher, from referring their child if that teacher feels there is reason to believe the child may have an EEN. The law requires that teachers refer a child even though the parent may object.

All referrals must be in writing. The referral must state the reason for the referral. When a school district receives a referral, it must send a "Notice of Receipt of Referral" to the child's parents. The referral notice must include a list of the procedural safeguards available to the parents and child with respect to special education. (See "What Rights Do Parents and Children Have?" on pages 10-18.)

Schools must process every referral made for an EEN regarding children who are residents of the district and who have not graduated from high school. The only thing that may stop the child from being evaluated is if the parents refuse to allow the evaluation to be done.

Parents also may refer a child. If parents suspect that the child has an EEN, the best thing to do is to talk to the child's teacher, principal, guidance counselor, or director of special education about the child's problem. They will help parents make the referral.

Once the referral is made, the school has 90 days from the date the referral is received by the district to evaluate, develop an individualized education program (IEP), and offer placement for a child who is determined to have an EEN. If the evaluation determines a child does not have exceptional educational needs, the evaluation report will include an identification of the child's non-EEN needs; a referral to programs other than special education that the school district offers, which may benefit the child; and information about any other programs and services not offered by the district, which may benefit the child.

How is a Child Evaluated?

A school district must evaluate every child who is a resident of the district who has not graduated from high school if he or she has been referred for an evaluation and is between the ages of birth and 21. This is done by a multidisciplinary team (M-team) of experts from different fields. The purpose of the M-team evaluation is to determine if the child has a disability that requires special education—in other words, if the child has an exceptional educational need.

The team must have at least two members and can be as large as necessary. There must be at least two experts on the team who are skilled in assessing and programming for children with EEN. One of these people must be certified to teach children with that disability. If there are two or more suspected disabilities, the team must include a person certified in each disability area. When children are referred from or attending other programs, such as Birth to 3 or Head Start, employees of these programs may participate in the evaluation process with parent permission. Developmental records from these programs may be used in the evaluation process.

Before an evaluation can be done, parents must be notified in writing that the school intends to evaluate their child. This notice of intent to evaluate must state the area(s) to be evaluated (for example: intellectual, visual, or auditory); who will do the evaluating (for example: school psychologist, teacher, or nurse); the purpose for the evaluation; and describe the general types of testing instruments that will be used. This notice must be given every time the school intends to do an evaluation.

The school must notify the parents of the M-team meeting within a reasonable amount of time prior to the meeting. Parents must also be told the time, date, and location of the meeting as well as the names and titles of M-team members. If the child is a member of a minority, parents must be told that a member of that minority may attend the meeting and have input into the decision. The parents may attend this meeting, but their presence is not required.

Along with the information listed above, the notice also must inform parents about their parental rights. These rights are called "procedural safeguards," and are meant to protect the child's and parents' rights. (See "What Rights Do Parents and Children Have?" on pages 10-18.)

If this is the first evaluation to be done by the school, parents are asked to give their written consent for this evaluation. Consent is voluntary, and parents may refuse to give it. Written consent is not required for re-evaluations. The parents' original written consent continues in effect for all future re-evaluations within the state unless a parent revokes his or her consent in writing. Parents have the right to revoke their consent in writing at anytime. If the school feels that the child's right to an appropriate education may be denied by the parents' refusal to allow the evaluation to take place, the school has the right to ask for a hearing. An impartial hearing officer will make the decision as to whether the child should or should not be evaluated. (See "What if Someone Disagrees?" on page 7.)

Once the school receives the consent to evaluate, the first step in the M-team evaluation process is to review any information about the child that already exists. Each member of the M-team prepares a written report of the evaluations he or she

conducted and the findings. If the parents wish to have the individual reports at the M-team meeting, they must make the request in writing within ten days of the date the school sent them a notice that their child was going to be evaluated.

When the M-team has completed its evaluation and made a decision that the child has a disability and a need for special education, the M-team must make recommendations regarding what related services the child may need.

The M-team must submit a written report to the director of special education or program designee. The report must include:

- a list of the disabilities that the M-team found the child to have;
- the M-team's conclusions regarding whether the child needs special education because of a disability;
- if the child's need for occupational or physical therapy was considered, the M-team's conclusions regarding that need;
- a statement that documents the reasons for each of the M-team's findings and conclusions listed above; and
- recommendations regarding which other related services the child may need.

If an M-team finds that a child does not have an EEN, the M-team report must include the following:

- an identification of the child's non-exceptional education needs;
- a referral to any programs, other than special education programs, offered by the school from which the child may benefit; and
- information about any programs and services other than those offered by the school that the M-team is aware of that may provide a benefit to the child.

The director will send to the parents a copy of all proposed M-team reports submitted by the team and indicate to the parents in writing which is the approved M-team report and the reasons why that report was selected.

If the parents were unable to attend the M-team meeting, they may request a conference with school staff to explain the M-team's findings and recommendations. In cases where the parents did not attend the M-team meeting, this explanation could be given at the IEP conference. In some cases, especially where parents have some specific questions, a separate conference might be held.

After the M-team report has been approved, the parents can request an independent educational evaluation if they do not agree with the findings and recommendations of the M-team. (See "What Rights Do Parents and Children Have?" on pages 10-18.)

What is an Individualized Education Program (IEP)?

After the multidisciplinary team of evaluators has completed its report, and if an EEN is identified, an individualized education program (IEP) must be developed. This program specifies the special education and related services needed to meet the individual child's identified EEN and the related and supportive services to be provided.

The program is developed at an IEP meeting. The child's teacher and a district representative who is qualified to provide or supervise the provision of special education must be present. The parents must also be present if at all possible. The parents may bring the child, a friend, or an advisor to the IEP meeting if they wish. If transition services for a child age 16 or over (younger if appropriate) are being discussed, the child must be invited to the IEP meeting. A representative of any other agency likely to provide or pay for transition services must also be invited.

Before any meeting to develop an IEP, the district must send the parents a notice of the meeting. The IEP meeting must be held at a mutually agreed upon time and place. The notice must identify the time, date, and location of the meeting, who will be present and the purpose of the meeting. The parents must also be given a copy of their rights with the notice, unless a copy of the rights has been provided to the parents within the last 30 days.

If the parents cannot attend the meeting, the school must attempt to involve the parents by other means such as the telephone. If the school finds that they cannot arrange a meeting with the parents, and the parents cannot participate by other means, the school may go ahead and develop the IEP and send the parents a copy.

The IEP must be developed before the student is placed in special education. It must include a statement of:

- the child's present levels of educational performance;
- annual goals, including short-term instructional objectives;
- the extent to which the child will be able to participate in regular education programs;
- the specific special education and related services to be provided to the child, including assistive technology services and devices;
- the projected date for initiation of services and the anticipated duration of the services;
- appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being achieved; and
- transition services for a student age 16 years and older (younger if appropriate).
- whether the child needs to be taught Braille, if the child has a visual handicap.

Assistive technology devices and services may be included in the child's IEP as special education, related services, or as supplementary aids and services in the child's regular education classroom.

Parents' suggestions must be considered by the school staff developing the IEP. The parents do not have to consent to the IEP, but may be asked to sign the IEP to document that they attended the meeting.

Once the IEP is developed, the goals, objectives, or services provided cannot be changed without notifying the parent and arranging an IEP meeting with all required persons to discuss the reasons for the change. (See "What If Someone Disagrees?" on page 7.)

The child's IEP must be reviewed and revised periodically and at least once a year. Parents must be invited to the meeting when this is done.

How is a Child with EEN Placed?

After a child is evaluated and found to have exceptional educational needs and an IEP is developed, a special education placement must be identified. The placement offer developed to implement the IEP is done in two parts.

The first part of the placement offer is developed by a group of people named by the director of special education or program designee for the district. This group of people identifies the type of special education delivery model and level which would implement the IEP. As the group makes its decision, it must consider and document any potential harmful effect on the child or on the quality of services that the child needs, as well as other concerns, as follows:

- To the maximum extent appropriate, a child with EEN must be educated with children who do not have EEN.
- Special classes, separate schooling, or any other program that would remove a child with EEN from the regular educational environment may only be included when the nature and severity of the child's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.
- Alternative programs that are needed to implement the child's IEP must be available.
- Appropriate nonacademic and extracurricular services and activities must be provided.

After the group has made its decisions, a group, including the director/designee will complete the placement offer. The second part of the placement offer identifies the specific location of the placement; that is, where the program will be provided. The director/designee must consider these requirements:

- Unless the IEP of a child with EEN requires a different arrangement, the child will be educated in the school he or she would attend if not a child with EEN.
- Special education and related services must be provided as close as possible to the child's home.
- A child with EEN may only be placed at home or in a hospital with a physician's written statement that the child is unable to attend school.

Once the placement offer is developed, it will be given or sent to the parents. If this is a child's first placement in special education, the parents will be asked to give their consent for placement. Consent is voluntary and parents may refuse to give it. The parent's original consent continues in effect unless it is revoked in writing. Consent is not required for future changes in placement, but the parents must be informed about those changes in writing before they happen.

If the district does not have an appropriate placement in the district, it must offer to place the child in another public school program in the state as near as possible to the child's home. If no such program is available in the public schools in the state, the district must offer to place the child in a public school program outside the state or in a private school. Any placement will be done at no cost to the parents. Before they

can be made, out-of-state or private placements require the approval of the state superintendent.

What if Someone Disagrees?

Either the parents or the school district may initiate a hearing whenever there is a dispute between the parents and the school district about a proposal or refusal to initiate or change the child's identification, evaluation, proposed IEP or portion thereof, the implementation of the IEP, educational placement, or the provision of a free appropriate public education to the child. A school district may also initiate a hearing to override the parents' refusal or revocation of consent.

Hearing and Appeal Process

A hearing is initiated when the parents or school district send a letter of request for a hearing to the Department of Public Instruction (DPI). The letter must state the specific reasons for the request. An impartial hearing officer will conduct the hearing and issue a final decision within 45 days of the request for a hearing. The hearing officer may grant specific extensions of time at the request of either the parents or the school district. The hearing officer's decision is final and binding unless appealed in state circuit court within 45 days of the date it was mailed or in federal district court.

School districts may also request a hearing to contest the refusal or revocation of consent by the parents. A school district may initiate a hearing by filing a request with the DPI. The process is the same as if the parents had made the request. An impartial hearing officer and the same time lines are required. The parents or the district can appeal the decision.

The child's educational placement may not be changed during the hearing process, unless the parents and the school agree to the change. If the hearing involves a child placed in an interim alternative educational setting because the child brought a firearm to school, then the child remains in that setting until the completion of the hearing proceedings. If the hearing involves initial admission to the public school, the child (with the consent of the parents) must be placed in the public school program until completion of the hearing proceedings.

Further information about the hearing and appeal processes is found on pages 16-18 of the section "What Rights Do Parents and Children Have?" or can be obtained from the local school district or the Division for Learning Support: Equity and Advocacy at the Department of Public Instruction

How is a Complaint Filed?

Parents are usually satisfied with the identification, evaluation, educational placement and provision of a free appropriate public education by a school district. However, occasionally they are concerned or dissatisfied with the process or procedures used by a school district to achieve them. In such cases, the parents can file a complaint in several ways.

Special Education Complaints

Each state must have a procedure for investigating complaints. This requirement is found in 34 CFR 300.660-662 of the regulations implementing the Individuals with Disabilities Education Act (IDEA) and in state regulation at s. PI 11.15, Wis. Admin. Code.

Any individual or organization may file a complaint with the Department of Public Instruction if they believe a school district has violated a state or federal law or regulation relative to programs for children with disabilities.

The Department of Public Instruction has a responsibility to investigate these complaints and issue a decision within 60 days of receipt of the complaint. The 60-day time line may be extended by the department if exceptional circumstances exist.

All complaints must be in writing and must be signed. Anonymous complaints will not be processed. A complaint must allege a violation of the laws or regulations for special education involving either a single child or a group of children. The complaint should clearly identify the concern or alleged violation. Complaints must be filed within three years of the alleged violation. It is not necessary for a person filing a complaint to identify the specific law or regulation involved.

When a complaint is filed with the department and a request for a hearing is filed with a school district regarding the same issue, the department will defer a decision on the issue until after the hearing process is completed. If the complaint contains other issues which are not part of the hearing request, the department will issue a decision on these issues within the 60-day time limit.

Concerns that are not covered by the complaint procedures will be acknowledged with information about how to deal with the concern(s).

Complaints may be made to:

Assistant Superintendent
Division for Learning Support: Equity and Advocacy
Department of Public Instruction
P.O. Box 7841
Madison, Wisconsin 53707-7841

OCR Complaints

A complaint may be filed with the Office for Civil Rights (OCR) under Section 504 of the Rehabilitation Act of 1973 and under federal regulations adopted under this Act (34 CFR 100.7). This complaint would allege that an individual child or class of individuals has been subjected to discrimination on the basis of disability. The complaint must be made within 180 days of the alleged discrimination under Section 504 of the Rehabilitation Act of 1973, unless this time line is extended by the Office for Civil Rights. Title VI of the Civil Rights Act of 1964 assures complainants of due process and prohibits retaliation against complainants.

OCR complaints are filed with:

Office for Civil Rights—Region V
111 North Canal Street
Chicago, Illinois 60606
(312) 886-8343
(312) 353-2546 TDD

Complaints Under Section 118.13, Wis. Stats.

Parents may also file a complaint with the school district under s.118.13, Wis. Stats., if they believe the school has discriminated against the child on the basis of the child's physical, mental, emotional, or learning disability. Under the pupil nondiscrimination law, a local school board that receives a complaint from the parents must investigate it and make a decision within 90 days. If the parents disagree with the decision of the board, they may appeal it to the state superintendent.

Each local district has developed its own procedures and forms for filing complaints under s. 118.13. The building principal or district office will be able to provide the necessary information about filing complaints.

What Rights Do Parents and Children Have?

There was a time when children with disabilities were not well served in public schools and when parents had little recourse to remedy this situation. That changed with the enactment of the Education of the Handicapped Act, now known as the Individuals with Disabilities Education Act (IDEA). Now, both state and federal special education laws protect a child's rights, make parents a partner in deciding about their child's education, and create a process which safeguards the rights of parents and children.

The Special Education Process and Your Rights

Special education law provides that any child with a disability has the right to a free appropriate public education (FAPE), which meets his or her individual needs, provided by a school district or other public agency in Wisconsin. Throughout the "What Rights Do Parents and Children Have?" section, references to a school district also include any other public agency in Wisconsin that has the responsibility for the education of children with disabilities. To create this appropriate education based on individual need, special education law has a built-in formal process through which parents and school personnel, as partners, design and decide upon an appropriate program for each child.

Parents play a key role in the special education process. For example, without the consent of the parent, a child may not be evaluated for a disability or placed in a special education program. Parents are also part of the education decision-making team which develops a child's individualized education program (IEP).

The special education process consists of:

- identifying and referring a child with a suspected disability,
- evaluating to determine whether a child has a disability,
- developing an IEP for a child with a disability, and
- determining a placement within the least restrictive environment (LRE).

In addition to all the rights and responsibilities parents have as part of the special education process, there are other rights and procedural safeguards guaranteed to parents:

- the right to an independent educational evaluation,
- the right to due process hearings and appeals,
- the confidentiality and access rights surrounding student records,
- the child's right to a surrogate parent, and
- the right to use an educational advocate.

The purpose of this section, "What Rights Do Parents and Children Have?", is to explain the parent's role, rights, and responsibilities in the special education process and all the additional rights guaranteed to parents. The department hopes that this material will help parents understand the procedural rights of the parent and child in the special education process and use this understanding to advocate for their child.

Right to Receive Written Notice

So parents will understand what is happening at each step during the special education process, parents have the right to receive written notice a reasonable time before the school district proposes or refuses to start or change the identification, evaluation, or educational placement of their child, or the provision of a free appropriate public education to their child. Each written notice must include:

- a full explanation of all the procedural safeguards available to parents under federal special education regulations;
- a description of the action planned or refused by the school district including:
  - an explanation of why the district plans or refuses the action,
  - a description of any options the district considered and the reasons why those options were rejected,
  - a description of each evaluation procedure, test, record, or report used as a basis for the district's action, and
  - a description of any other factors relevant to the district's decision.
- information about whether the parent gave consent for evaluation or placement, the date(s) the consent was given, and whether it is currently in effect; and
- information about the rights and procedural safeguards guaranteed to parents.

The notice sent to parents must be in writing, in commonly understood words, and in English or the primary language of the home unless it is clearly not feasible to do so. Any interpreter used must be fluent in the language of the home. When the parent or child is unable to read in any language, or are blind or deaf, the notice must be made orally, in Braille, in sign language, or in writing, whichever is most appropriate for the parents to understand.

The school district must keep written documentation that the parents understood the content of the notice. If the school district provides the notice orally or in some mode of communication other than a written language (such as sign language), the district must keep written documentation of how it provided the notice, of the notice's content, and how it ensured that the parent understood the notice's content.

Providing Written Consent

Before the school district can evaluate a child or place a child in special education, it must obtain the parent's written consent. This consent is voluntary and the parent may revoke it at any time. A parent's consent begins the evaluation process, and revoking consent can cause it to end; therefore, remember that consent is a powerful part of the special education process. Once consent for the initial evaluation and placement has been given, the school district can continue providing special education services without obtaining added written consents from the parent. The school district may not require parental consent as a condition of any benefit to the parent or the child except for the service or activity for which the parent granted consent under initial evaluation and placement.

According to federal regulations, "consent" means:

- The parent has been fully informed of all information relevant to the activity for which consent is sought in their native language or other mode of communication;
- The parent understands and agrees in writing to the carrying out of the activity for which their consent is sought, and the consent describes that activity and lists the records (if any) which will be released and to whom; and
- The parent understands granting of consent is voluntary on their part and may be revoked at any time. [34 CFR 300.500(a)]

If a parent refuses to give consent to have their child first evaluated or placed in special education, the parent stops the process. If a school district believes that a parent's refusal to consent would deny the child a free appropriate public education, the district may take steps to ensure that an appropriate education is provided. Such steps may include initiating a due process hearing to resolve the dispute.

If a parent revokes consent for placement or has a disagreement about program or placement decisions, disagreements may then be mediated or they may be resolved through a due process hearing as explained under "Resolving Disagreement: Complaints and Hearings."

Evaluating a Child

Evaluating to assess whether a child has a disability and requires special education is a key step of the special education process. It should be approached very seriously by parents and school districts.

Federal regulations define "evaluation" as:

> The procedures used to determine whether a child has a disability and the nature and extent of the special education and related services the child needs. The term means procedures used selectively with an

> individual child and does not include basic tests administered to or procedures used with all children in a school, grade or class.
> [34 CFR 300.500(b)]

To determine whether a child has a disability and requires special education, the school district appoints a multidisciplinary team (M-team) to make those professional assessments. State law outlines specific standards for the M-team.

The parent must be invited to participate in the M-team meetings and must be fully informed about evaluation meetings, the M-team findings and conclusions. If the parent cannot attend the M-team meeting, the parent may request a conference to discuss the team's findings.

At the M-team meeting, parents have the right to have an interpreter/translator with them if their primary language is other than English or if they are deaf or hard of hearing. Parents also have the right to have a cultural or minority representative or an advocate assist them during the M-team process.

Parents have the right to receive a copy of the M-team report. If the parent requests the reports no more than ten days after the district sent the parent notice of the evaluation, the school district will have copies of the individual reports for the parent at that meeting.

When a child is evaluated, the following must happen:

- All assessment/evaluation tests and procedures will be appropriately adapted for children with impaired sensory, physical, or speaking skills and will take into consideration age, socio-economic, and cultural background.
- Tests and similar evaluation procedures will be administered in the child's primary language. Unless it is clearly not feasible to do so, all communication with parents will be in their primary language.
- All assessments/evaluations must assess a child's specific abilities, not produce merely a single intelligence quotient (IQ) score.

Right to Independent Educational Evaluation

If a parent disagrees with the school district's evaluation of their child, the special education process ensures the parent's right to an independent educational evaluation. This evaluation will be at public expense and, therefore, at no cost to the parent. Federal regulations define "independent educational evaluation" as:

> An evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of the child in question.
> [34 CFR 300.503(a)(3)(i)]

"Public expense" means the school district either pays for the full cost of the evaluation or insures that the evaluation is otherwise provided at no cost to the parent. [34 CFR 300.503(a)(3)(ii)]

When a parent asks about an independent educational evaluation, the school must provide the parent with information about how and where to obtain an independent educational evaluation. However, before a school district will pay for an independent educational evaluation, it must receive a complete copy of the evaluation. If a hearing

officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be paid for by the school district.

When a parent requests payment for an independent educational evaluation, the school district may choose to start a hearing process to show their evaluation is appropriate or that the independent educational evaluation does not meet the criteria used by the school district when it initiates an evaluation. If the hearing officer finds the district's evaluation was appropriate, the parent still has the right to have the independent educational evaluation considered in the evaluation process, but the parent and not the school district must pay for it. Parents always have the right to obtain an independent educational evaluation at their own expense. The district must consider those results in making any decision about the child's M-team evaluation, IEP, educational placement, or the provision of a free appropriate public education. These results may also be presented as evidence at a hearing.

Designing the Individualized Education Program

After an M-team has determined that a child needs special education, the school district must convene a meeting within 30 days with staff and the parents to develop an individualized education program (IEP) for the child. This IEP should detail the special education needed by the child. This meeting must be at a mutually agreeable time and place and all M-team reports must be available to the parent before the IEP meeting.

The special education process requires that the parent, and the child if transition services are discussed, be invited to all IEP meetings. The invitation must include:

- the date, time, and location of the meeting, and information that the meeting must be scheduled at a time and place agreed upon by the school and the parents;
- the purpose of the meeting;
- the names and titles of the meeting's participants; and
- information that a parent may bring other people such as an advocate to the meeting.

If a parent cannot attend a meeting, the district must try to involve the parent in other ways such as individual or conference telephone calls. The district must also ensure that parents understand what is said at these meetings so a translator or interpreter must be included if necessary.

The IEP is a very important document because placement of a child in special education is based on it. It must be reviewed at least annually, and a child's continued participation in special education is based on the IEP review. Because the IEP tailors education programming to a child's unique ne ls, the IEP must include:

- the child's present levels of educational performance;
- annual goals and short-term instructional objectives for the child;
- the specific special education and related services, including assistive technology services and devices that will be provided, when and how long they will be provided;
- the extent to which the child will participate in regular education;
- a statement of transition services for a child's needs if the child is 16 years of age or older, and younger if appropriate;

- appropriate objective criteria and evaluation procedures and schedules for determining at least once a year if the short-term instructional objectives are being achieved; and
- whether the child needs to be taught Braille, if the child has a visual handicap.

Placing a Child in the Least Restrictive Environment

Least restrictive environment (LRE) is a key idea underpinning the special education process. Often the best way to define something is to show how it should operate. That being the case, saying every child with a disability has a right to be educated in the "least restrictive environment" means each child should:

- be educated to the maximum extent appropriate with children who are not disabled;
- only be removed from regular education when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily;
- participate to the maximum extent appropriate, given the child's individual needs with nondisabled children in extracurricular activities, including meals and recess periods;
- be educated in the school which the child would attend if not disabled unless required by the IEP;
- be educated as close to the child's home as possible; and
- have a continuum of alternative placements available.

The district must consider any potential harmful effects on the child or on the quality of services the child needs. A child's placement in special education must be based on the IEP and must conform to the LRE requirements. The district must notify the parent in writing of its placement decision; and for the initial placement the parent must have given written consent before placement can happen. After the first placement, placement notices will be sent to the parent each time the district proposes or refuses to change the child's placement.

A child may be educated in the home or a hospital only with a physician's statement that the child is unable to attend school.

Education Records: Access Rights and Confidentiality

Because the special education process is formal, procedural, and legalistic, school districts document in writing all data gathering and decision making about children in special education and keep that information in student records files. Since all steps in the special education process and all decisions are documented in writing, a student's special education records are an important source of information to the parent about their child. For this reason, special education law guarantees parents certain access rights to their child's education records and ensures confidentiality of those records.

So that parents have access to the information about their child, parents or their representatives have the opportunity to inspect and review all of their child's education records including those about identification, evaluation, educational placement, and the provision of FAPE. The school district must let the parent look at these records without unnecessary delay, before any IEP meeting or hearing relating

to the child, and within 45 days after the parent makes the request. Along with these rights, the special education process also provides parents with the following rights:

- to have the school explain and interpret records if the request is reasonable;
- to be given copies of the records;
- to have their representative review the records;
- to know that the school may presume that any parent has the right to review records unless the school district has been informed that the parent does not have the right under state law;
- to review information only about their child when the education record includes information about other children;
- to be informed by the school of the types and locations of education records collected, maintained, and used by the school when the parent requests it;
- to be charged for copying costs by the school district unless that charge prevents them from reviewing or obtaining copies of the records, but not to be charged for search and retrieval of records;
- to request that the district amend the record's information if the parent believes that the information is inaccurate, misleading, or violates the privacy or other rights of their child. The district must decide whether to amend the information in accordance with the request within a reasonable time;
- to have the school inform them of the district's decision to refuse to amend the information in accordance with the parent's request and advise the parent of their right to a hearing;
- to request a hearing if the district refuses to amend a record as requested. If, as a result of the hearing, the district decides the information

— is inaccurate, misleading, or a violation of privacy or other rights of the child, the district must amend the record and inform the parent of the amendment in writing, or

— is not inaccurate, misleading, or in violation of privacy or other rights of the child, the district must tell the parents of their right to put into the records a statement commenting on the information or a statement of why the parent disagrees with the district's decision. That statement must remain in the record for as long as the record exists and with all copies of the record. If the records are disclosed by the district, the statement of why the parent disagrees with the district's decision must also be disclosed with the records.

- to know—by name, date, and purpose of the access—who besides the parents and authorized school personnel has accessed the child's records.
- to be informed when educational records are no longer needed to provide educational services to the child and to have those records destroyed upon request.

Surrogate Parents

To protect the rights of a child, a district must appoint a surrogate parent if:

1. the district cannot identify a parent;
2. the district cannot locate the child's parent after reasonable effort; or

3. the child is a ward of the state or a county or child welfare agency or has been placed in the legal custody of the state, county, or child welfare agency and the state, county, or child welfare agency has the authority to make educational decisions for the child.

A surrogate parent has the rights of a parent with regard to special education and is required to represent the child's interests and protect the confidentiality of the child's records. A surrogate parent may represent the child in all matters relating to the identification, evaluation, educational placement, and the provision of FAPE to the child.

A district must have a process in place for determining whether a child needs a surrogate parent and for assigning one to a child. The surrogate selected by the district cannot have a conflicting interest with the child and must have the knowledge and skill to adequately represent the child. The surrogate assigned may not be an employee of the child's school district or be paid by the school district to function as the child's surrogate parent.

The district must review the surrogate's appointment at least once a year. The surrogate parent has the right to a due process hearing to challenge a district's termination of his/her appointment.

Resolving Disagreement: Complaints and Hearings

If a parent disagrees with what the school district proposes or refuses to do or has done about their child's special education, the parent has two options built into the special education process through which either the parent or the district can resolve disagreements—complaints and due process hearings.

A parent or school district may initiate a due process hearing about a proposal or refusal to initiate or change the identification, evaluation, educational placement of the child, and the provision of FAPE to the child. In addition to the due process hearing available to the parent or school district concerning an individual child, any organization or individual may file a complaint with the Department of Public Instruction concerning a violation of requirements of Part B of the Individuals with Disabilities Education Act.

Complaints

Any person or organization may file a complaint with the Department of Public Instruction if it is believed that a school district or the department has violated a state or federal law or regulation when providing special education programs. All complaints must be in writing, must be signed, and should clearly identify the alleged violation(s).

The Department of Public Instruction must investigate the complaint and issue a decision within 60 days of receiving the complaint. The department can take longer than 60 days if exceptional circumstances exist. If the department finds a violation exists, its decision will require the school district to correct its violation.

Due Process Hearings

Either the parent or the school district has the right to request a due process hearing whenever there is a dispute between the parent and the school district over the district's proposal or refusal to initiate or change the identification, evaluation, proposed IEP, portion of a proposed IEP, the implementation of the IEP, educational placement, or the provision of a free appropriate public education. When a parent sends a letter to the Department of Public Instruction requesting a hearing, the department will inform the parent of any free or low-cost legal and other relevant services available to the parent in the area.

In some circumstances, a court may order a school district to reimburse a parent for attorney fees. The school district may also request a hearing to override a parent's refusal or revocation of consent. The school district is responsible for paying the costs of the hearing.

DPI maintains a list of person who are available for appointment as hearing officers. The list includes the qualifications of each of those person. After the parents sends a letter to the department stating the reasons for requesting a hearing, the department will appoint an impartial hearing officer to conduct a hearing. A hearing officer may not have a personal or professional interest which would conflict with his or her objectivity in the hearing. Hearing officers may not be employed by a public agency involved in the education or care of the child or by a school board, Cooperative Educational Service Agency (CESA), County Handicapped Children's Education Board (CHCEB), or DPI. A person is not considered an employee of DPI if he or she is paid only as a hearing officer. The hearing officer will set a time and place for the hearing which is agreeable to the parties and reasonably convenient for the parent and the child.

The parent has the right to have their child present at the hearing and to have the hearings open to the public. Both the parent and the school district have the following rights during the hearing:

- to be accompanied and advised by counsel and by individuals with special knowledge of or training regarding disabled children.
- to present evidence and confront, cross-examine, and compel the attendance of witnesses;
- to prohibit the introduction of any evidence at the hearing that has not been disclosed at least five days before the hearing;
- to receive a free copy from the other party of each document offered into evidence by that party;
- to have access to any reports, records, or clinical evaluations on which a decision was based or which could have a bearing on the correctness of the decision;
- to present an independent evaluation as evidence at a hearing regarding the child, whether it is at public expense, has been requested by the hearing officer, and/or is one done at private expense;
- to obtain a written verbatim record of the hearing; and
- to obtain a written decision which includes findings of fact and conclusions of law.

Within 45 days of the request for a hearing, the hearing officer must issue a written decision based solely upon the evidence presented at the hearing. The hearing officer may grant specific extensions of the 45-day time limit at the request of either party. The hearing decision will consist of findings of fact and conclusions of law and will be based upon preponderance of the evidence. The hearing officer will send a copy of the decision to each party to the hearing with a notice of the parties' appeal rights. A copy of the decision, after deleting any personally-identifiable information, will be transmitted to the state superintendent's Council on Exceptional Education (state advisory panel) via DPI and made available to the public. The hearing officer's decision is final and binding unless appealed to the state circuit court in the county where the child resides or to the federal district court. Appeals under state law must be made within 45 days. While federal law does not set a time limit for appeals, in enforcing federal law, federal courts will normally adopt the time limit (or statute of limitations) from the most similar state law.

Unless the parent and the school agree otherwise, during the due process hearing or court proceedings, the child must remain in his or her current educational placement. If the hearing involves the child's initial admission to the public school, the child will be placed in a public school program until the completion of the proceedings. While during the due process hearing and any subsequent court proceedings the child's placement may not be changed without the parent's agreement, this does not preclude the school district from using its normal procedures for dealing with children who are endangering themselves or others. If the child brought a firearm to school and has been placed in an interim alternative educational setting, then he or she will remain in the interim alternative educational setting during the due process hearing and any subsequent court proceedings.

What Resource Organizations are Available for Parents of Children with EEN?

This list of resources is not intended to be all inclusive. or further information or referral, contact the Wisconsin First Step, an information and referral service to assist Wisconsin families who have a young child (ages birth to five) with special needs, or the Division for Learning Support: Equity and Advocacy (DLSEA).

Wisconsin First Step c/o Lutheran Hospital-LaCrosse 1910 South Avenue LaCrosse, WI 54601-9980	Voice/TTY	(800) 642-STEP	(7 a.m. to 11 p.m. daily)
DLSEA Department of Public Instruction P. O. Box 7841 Madison, WI 53707-7841	Voice TDD	(608) 266-1781 (608) 267-2427	(8 a.m. to 4 p.m. M-F)

Private Agencies

Alexander Graham Bell Association for the Deaf—Wisconsin Chapter
Barbara Rake, Co-President
1825 East Olive Street
Shorewood, WI 53211
(414) 963-4086

Alliance for Hearing Impaired Children (AHIC)
8148 South 81st Street
Franklin, WI 53132
(414) 529-5415 (TTY/Voice)

Association for Retarded Citizens
121 South Hancock Street
Madison, WI 53703
(608) 251-9272

Association for the Rights of Citizens with Handicaps
420 Frederick Street
Waukesha, WI 53186-5606
(414) 542-9811

Autism Society of Wisconsin
Judy Griffin, President
103 West College Avenue, Suite 601
Appleton, WI 54911
(800) 888-4AUTISM
(414) 993-0279

Brain Injury Association
1776 Massachusetts Avenue NW, Suite 100
Washington, DC 20036
(202) 296-6443

Brain Injury Association of Wisconsin
735 North Water Street, #701
Milwaukee, WI 53202
(800) 882-9282 (9 a.m. to 4 p.m. M-F)
(414) 271-7463

Ch.A.D.D. (Children with Attention Deficit Disorder)
To obtain information regarding support groups in your area, call the National Automated Information Request Line: (800) 233-4050

Down's Syndrome Association of Wisconsin
P. O. Box 23384
Milwaukee, WI 53223
(414) 355-1404

Easter Seal Society of Milwaukee County
3090 North 53rd Street
Milwaukee, WI 53210
(414) 449-4444

Easter Seal Society of Wisconsin
101 Nob Hill Road, Suite 301
Madison, WI 53713
(608) 277-8288

Families Forward, Inc.
201 Capital Street
Wisconsin Dells, WI 53965
(608) 254-6791

Family Assistance Center for Education, Training and Support (FACETS)
6900 Horizon Drive
Greendale, WI 53129
(414) 425-6846

Learning Disabilities Association of Wisconsin
Joan Sanicola, Executive Director
15738 West National Avenue
New Berlin, WI 53151
(414) 821-0855

Mothers United for Moral Support (MUMS)
150 Custer Court
Green Bay, WI 54301
(414) 336-5333

Muscular Dystrophy Association
Regional Office
2949 North Mayfair Road, Suite 104
Wauwatosa, WI 53222
(414) 476-9700

Northeastern Wisconsin Area Office
421 South Military Avenue
Green Bay, WI 54303
(414) 499-4571

Southeastern Wisconsin Area Office
2949 North Mayfair Road, Suite 106
Wauwatosa, WI 53222
(414) 453-7600

Southwestern Wisconsin Area Office
2744 Agricultural Drive
Madison, WI 53704
(608) 222-3269

National Spinal Cord Injury Association
Kevin Corcoran, President
Madison Area Chapter
P. O. Box 2685
Madison, WI 53701
(608) 222-8302

Greater Milwaukee Chapter
1545 South Layton Boulevard, Room 516
Milwaukee, WI 53215
(414) 384-4022

Parent Education Project
2192 South 60th Street
West Allis, WI 53219
(800) 231-8382
(414) 328-5520

Prader-Willi Syndrome Association
(800) 926-4797

Prader-Willi Syndrome Association of Wisconsin
Mike Larson, President
2701 Alexander Street
Appleton, WI 54911-2312
(414) 832-2403

Quality Education Coalition
1722 County Road PB
Verona, WI 53593
(608) 845-3101

Spina Bifida Association—National
4590 MacArthur Boulevard NW, Suite 250
Washington, DC 20007-4226
(800) 621-3141

Spina Bifida Association of Northeastern Wisconsin
Don Yanda, President (thru 2/98)
1813 21st Street
Two Rivers, WI 54241-1614
(414) 793-5345

Spina Bifida Association of Northern Wisconsin
Bill and Terri Vullings
Secretary and Treasurer
P.O. Box 421
Schofield, WI 54476-0421
(715) 359-9674

Spina Bifida Association of Southeastern Wisconsin
Ann Mraz, President
N1725 Timberbrook Road
Pewaukee, WI 53072
(414) 367-6226

Spina Bifida Association of the Greater Fox Valley Area
c/o Mary Jo Hermsen
16 Adams Way
Little Chute, WI 54140-1542
(414) 788-6557

Tourette Syndrome Association
Wisconsin Chapter
c/o Marshfield Children's Center
Marshfield Clinic
1000 North Oak Avenue
Marshfield, WI 54449
(715) 387-5228

Tuberous Sclerosis Association
National Office
8181 Professional Place, Suite 110
Landover, MD 20785
(800) 225-6872

Northern Wisconsin Area
Chris Estling
11186 43rd Avenue
Chippewa Falls, WI 54729
(715) 726-1114

Southeastern Wisconsin Area
Debbie Polyanski
W6261 Indian Mound Road
Adell, WI 53001
(414) 994-9488

United Cerebral Palsy of Wisconsin
UCP of Greater Dane County
1502 Greenway Cross
Madison, WI 53713
(608) 273-4434

UCP of North Central Wisconsin
108 Scott Street
Wausau, WI 54401
(715) 842-8700

UCP of South Central Wisconsin
2100 East Milwaukee Street, Suite L9-10
Janesville, WI 53545
(800) 924-6218

UCP of South Eastern Wisconsin
230 West Wells Street, Suite 502
Milwaukee, WI 53203
(414) 272-4500

UCP of West Central Wisconsin
206 Water Street
Eau Claire, WI 54703
(715) 832-1782

UCP of Winnebagoland
P. O. Box 1241
Oshkosh, WI 54901-1241
(414) 233-1895

Volunteer Braillists and Tapists, Inc.
517 North Segoe Road, #200
Madison, WI 53705
(608) 233-0222 (8 a.m.-1 p.m. T-F)

WEE-LIFE Parents
W10957 Rodney Drive
Lodi, WI 53555
(608) 592-4648

Wheelchair Recycling Project
Kevin Corcoran, President
P. O. Box 2685
Madison, WI 53701
(608) 222-8302

Wisconsin Association for the Deaf
6701 Seybold Road, #114
Madison, WI 53719
(608) 288-1707 (TTY/Fax)

Wisconsin Association of Family and Children's Agencies
John Grace, Executive Director
131 West Wilson Street, Suite 901
Madison, WI 53703
(608) 257-5939

Wisconsin Association of Nonpublic Schools
Sharon Schmeling, Executive Secretary
30 West Mifflin Street, Suite 302
Madison, WI 53703
(608) 257-0004

Wisconsin Coalition for Advocacy
16 North Carroll Street, Suite 400
Madison, WI 53703
(608) 267-0214

Wisconsin Council of the Blind
Jack Malin, Executive Director
354 West Main Street
Madison, WI 53703
(800) 783-5213
(608) 255-1166

Wisconsin Epilepsy Association
6400 Gisholt Drive, Suite 113
Madison, WI 53713
(608) 221-1210

Wisconsin Family Ties
16 North Carroll St., #830
Madison, WI 53703
(800) 422-7145
(608) 267-6888

Wisconsin Head Start—Great Lakes Resource Access Project
c/o CESA #5
626 East Slifer Street
P. O. Box 564
Portage, WI 53901
(608) 742-8811 ext. 233

Wisconsin Congress of Parents and Teachers (PTA)
Sheryl Miller, President (thru 6/97)
4797 Hayes Road, Suite 2
Madison, WI 53704-3256
(608) 244-1455

Wisconsin Speech-Language-Hearing Association
Deb Osborn, President (thru 7/98)
P. O. Box 1109
Madison, WI 53701-1109
(800) 545-0640 (Voice/TTY)
(608) 283-5489

State Agencies

Department of Health and Family Services

• **Division of Supportive Living**
Bureau of Developmental Disabilities Services
1 West Wilson Street
Madison, WI 53703
General: (608) 266-0805
Birth to Three: (608) 267-3270
Family Support: (608) 266-7469
Katie Beckett Program: (608) 266-3236

Wisconsin Council on Developmental Disabilities
722 Williamson Street
PO Box 7851
Madison, WI 53707-7851
(608) 266-7826

• **Division of Health**
Program for Children with Special Health Care Needs (formerly BCPN)
1414 East Washington Avenue, Room 167
Madison, WI 53703-3044
(800) 441-4576
(608) 266-3886

• **Division of Vocational Rehabilitation**
Client Assistance Program
Disability Information and Referral
1 West Wilson Street, Room 558
PO Box 7850
Madison, WI 53707-7850
(608) 267-7422 (Voice/TDD)
(800) 362-1290 (Voice/TDD)

Wisconsin Office for the Deaf and Hard-of-Hearing
Central/Administrative Office
2917 International Lane
P.O. Box 7852
Madison, WI 53707-7852
(608) 243-5635 (TTY)
(608) 243-5626 (Voice/TTY)

Northeastern Regional Office
200 North Jefferson, Suite 311
Green Bay, WI 54301-5191
(414) 448-5294 (voice/TTY)

Northern Regional Office
2416 Stewart Square
Wausau, WI 54401
(715) 842-7693 (Voice)
(715) 845-5554 (TTY)

Southeastern Regional Office I
141 NW Barstow Street, Room 157
Waukesha, WI 53187-1349
(414) 521-5128 (Voice)
(414) 521-5162 (TTY)

Southeastern Regional Office II
555 West Layton Avenue, Suite 430
Milwaukee, WI 53207
(414) 769-5726 (Voice/TTY)

Southern Regional Office
5005 University Avenue
Madison, WI 53705
(608) 267-3800 (Voice/TTY)
(608) 267-4329 (TTY)

Western Regional Office
517 East Clairemont Avenue
Eau Claire, WI 54701-6479
(715) 836-2075 (Voice/TTY)

Division of Care and Treatment Facilities
Central Wisconsin Center for the Developmentally Disabled
Library Information Center
317 Knutson Drive
Madison, WI 53704
(608) 243-2327

Department of Public Instruction

- **Office of the State Superintendent**

John T. Benson
State Superintendent
125 South Webster Street
P.O. Box 7841
Madison, WI 53707-7841
(608) 266-1771

Equity and Advocacy
Juanita Pawlisch
Assistant State Superintendent
125 South Webster Street
P.O. Box 7841
Madison, WI 53707-7841
(608) 266-1649
(608) 267-2427 (TDD)

Waisman Center on Mental Retardation and Human Development
1500 Highland Avenue
Madison, WI 53705-2280
(608) 263-5776

What Terms Should Parents Know?

Achievement test. A test that measures what a child has already learned.

Assistive technology device. Any item, piece of equipment or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of children with disabilities.

Assistive technology service. Any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device, including evaluation of needs; purchasing, leasing, or providing a device; selecting, designing, fitting, customizing, adapting, applying, retaining, repairing or replacing a device; coordinating other activities with the use of the device; training or technical assistance for the child or the family and for professionals, employers, or other individuals involved with a child using a device.

Audiology. The study of hearing and hearing disorders.

Autism. A developmental disability significantly a child's social interaction and verbal and nonverbal communication, generally evident before age three, that adversely affects a child's learning and educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in s. PI 11.35(g).

Behavioral records. Student records that include psychological tests, personality evaluations, records of conversations, any written statement concerning a student's behavior, achievement and/or ability tests, health records, and any other student records that are not progress records.

Board. The school board or board of education in charge of the schools of a school district.

Boarding homes. Homes to care for nonresident students who are receiving special education programs or services, or both, five days a week.

Child. Any person under the age of 21 years and, for the duration of a school term, any person who becomes 21 years old during that school term.

Child advocate. An individual who represents the parents of the child or the child.

Child with exceptional educational needs. A child who has a handicapping condition and who because of the handicapping condition needs special education.

Cognitive disability. Significantly below-average, general intellectual functioning coupled with deficiencies in adaptive behavior. This Wisconsin term is synonymous with mental retardation.

Cooperative agreement or 66.30. A special education program operated by two or more school districts with one being the fiscal agent.

Cooperative Educational Service Agency (CESA). A service unit which serves as a link between school districts and between the local school district and the state superintendent.

County Handicapped Children's Education Board (CHCEB). Board established by county board of supervisors to provide exceptional education services and programs.

Deaf. A hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance.

Deaf-blind. A term found in IDEA that refers to hearing and visual impairments, the combination of which causes severe communication, developmental, and educational problems such that accommodation cannot be made in special education programs solely for deaf or blind children.

Department of Public Instruction (DPI). Wisconsin's state education agency (SEA).

Director. A licensed person, appointed by the school board, responsible for the special education administrative structure including special education staff, related staff, programs, and services to exceptional educational needs (EEN) students.

Division for Learning Support: Equity and Advocacy (DLSEA). A division of the Wisconsin Department of Public Instruction (DPI) responsible for special education programs and services to EEN children and other programs and support services. [formerly known as the Division for Handicapped Children and Pupil Services (DHCPS)]

EEN referral. A written statement submitted to the board by any person who has reasonable cause to believe that a child is a child with EEN.

Emotional disturbance (ED). A disability characterized by emotional, social, and behavioral functioning that significantly interferes with a student's educational program; and by deviant behavior that is severe, chronic, or frequent and that is manifested in at least two of the student's primary environments (home, school, and community).

Note: "Educational program" includes social interactions, interpersonal relationships, and personal adjustment as well as academic skills; a student can be functioning adequately in academic areas and still be identified as having an emotional disturbance.

Exceptional educational need (EEN). A need for special education due to a handicapping condition which is determined by a multidisciplinary team.

Free appropriate public education (FAPE). Means special education and related services at public expense, under public supervision and direction in conformity with an IEP, and without charge.

Hearing. A public or private proceeding conducted by a DPI appointed hearing officer according to the procedures in state regulation.

Hearing officer. A person appointed by DPI to conduct a due process.

Hard of hearing. A hearing impairment, whether permanent or fluctuating, that adversely affects a child's educational performance.

Independent educational evaluation. An educational evaluation conducted by a qualified examiner who is not employed by the agency responsible for a child's education.

Individualized education program (IEP). A plan which establishes the education program to be provided to a child with EEN.

Individuals with Disabilities Education Act (IDEA). Formerly known as the Education of the Handicapped Act and as PL 94-142, this federal special education law provides funding to states and sets requirements for educational agencies.

Learning disabilities (Wisconsin Statutes, Chapter 115); specific learning disability (PL 94-142). A disability that denotes severe and unique learning problems due to a disorder existing within the child which significantly interferes with the ability to acquire, organize, and/or express information.

Least restrictive environment (LRE). To the maximum extent appropriate, a child with a disability should be educated in an environment with nondisabled peers; separate schooling and other removal from the regular environment should occur only when the nature or severity of the disability prevents education in the regular educational environment even with the provision of supplementary aid and services.

Local education agency (LEA). A district, CESA or CHCEB which is responsible for the delivery of educational services and programs operated by public schools.

Mental retardation (mentally retarded, developmentally disabled). See the definition under cognitive disability. This is the federal term for cognitive disability.

Multidisciplinary team or M-team. A team appointed by the school district to evaluate a child referred for having a possible exceptional educational need.

M-team evaluation. Evaluation materials and procedures used by an appointed group of school staff to assess the child in all areas related to a suspected disability. The M-team determines whether the child has a handicapping condition and the need for special education.

Multiple handicapped. Students who have two or more disabilities.

Non-EEN or "nonexceptional needs." Needs that do not require special education services.

Occupational therapy (OT). Services to individuals to improve, develop, or restore functions lost or impaired through illness, injury or deprivation, including tasks for independent functioning. OT is directed toward helping students achieve educationally related outcomes by developing underlying sensory motor, cognitive, and psychosocial skills and by collaborating on compensatory strategies and environmental adaptations when necessary. OT is provided to children with EEN who need it to benefit from special education. OT can only be provided with an M-team recommendation.

Office for Civil Rights (OCR). Office within the U.S. Department of Education responsible for implementing and enforcing the civil rights of citizens granted under federal statutes.

Office of Special Education Programs (OSEP). Office within the U.S. Department of Education responsible for monitoring state and local district provision of special education programs and handling appeals from complaints based on violations of the Individuals with Disabilities Education Act (IDEA).

Orthopedic impairment. Orthopedic impairment means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes, but is not limited to, impairments caused by congenital anomaly such as a clubfoot or absence of some member, impairments caused by disease such as poliomyelitis or bone tuberculosis, and impairments from other causes, such as cerebral palsy, amputations, and fractures or burns that cause contractures.

Other health impairment. Other health impairment means having limited strength, vitality, or alertness due to chronic or acute health problems. The term includes but is not limited to a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, le. kemia, diabetes, or acquired injuries to the brain caused by internal occurrences or degenerative conditions, which adversely affects a child's educational performance.

Physical therapy (PT). Services to individuals to prevent or minimize disability, develop and improve sensory and motor function, control postural deviations, and establish and maintain maximum performance within the individual's capabilities. PT encompasses developing the child's gross motor and mobility skills, providing positioning and handling techniques within the school environment, and utilizing adaptive equipment and assistive devices.

PT is provided to children with EEN who need it to benefit from special education. PT can only be provided with an M-team recommendation.

Placement offer. A document describing the location and type of services needed to carry out the child's IEP.

Psychological evaluation. An assessment through the use of group and/or individual tests that determines the level of functioning in any of three areas:

1. **Cognitive**—how much one knows in certain areas; how one thinks
2. **Affective**—pertaining to feelings or emotions
3. **Perceptual motor control**—coordination and appropriate responses from all parts of the body

Related services. Transportation and such developmental, corrective, and other supportive services required to assist a child with a disability to benefit from special education, and includes audiology, psychological services, physical and occupational therapy, recreation including therapeutic recreation, early identification and assessment of disabilities in children, counseling services including rehabilitation counseling, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools, parent counseling and training, and rehabilitation counseling services.

Re-evaluation. An M-team evaluation conducted every three years (or sooner if a parent or teacher requests) for each student receiving special education.

Section 504 of the Rehabilitation Act of 1973 (PL 93-112). A federal statute dealing with nondiscrimination based on a handicap.

Special education. Specially designed instruction at no additional cost to parents to meet unique individual needs of children with disabilities.

Special education screening. A process used to determine whether there is reasonable cause to believe that a child is a child with EEN.

Speech and language handicap (Wisconsin Statutes, Chapter 115); speech or language impairment (IDEA). A disability characterized by a delay or deviance in acquiring prelinguistic, receptive, and/or expressive skills of oral communication.

Surrogate parent. A person appointed to act as a child's parent in all matters relating to special education.

Traumatic brain injury. Traumatic brain injury means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; speech and language; memory; attention; abstract thinking;

communication; judgment, problem solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and extensive function such as organizing, evaluating, and carrying out goal-directed activities. The term does not apply to brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma.

Visually handicapped. Students who have visual deficiencies that, even with correction, adversely affect their educational performance.